

Donald E. Watnick (DW 6019)  
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UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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CHRISTIAN AUGUSTIN VON HASSELL a/k/a	:
AGOSTINO VON HASSELL,	:
	:
Plaintiff,	:
- against -	:
	:
ALAIN SAINT-SAËNS and UNIVERSITY	:
PRESS OF THE SOUTH, INC.,	:
	:
Defendants.	:
	:
-----X	

07 Civ. 3477 (LAK)

DECLARATION

I, DONALD E. WATNICK, an attorney duly admitted to practice law in the State of New York and this Court, hereby declare, under the penalty of perjury under the laws of the United States of America, that the following statements are true and correct:

1. I am attorney of record in the above-entitled case for Plaintiff CHRISTIAN AUGUSTIN VON HASSELL a/k/a AGOSTINO VON HASSELL, and am fully familiar with the facts set forth herein. I make this Declaration in support of Plaintiff's limited Objection, pursuant to Fed. R. Civ. P. 72(b)(2), to the Report and Recommendation of Magistrate Frank Maas. (A copy of the Report and Recommendation is annexed hereto as Exh. A; a copy of the First Amended Complaint is annexed hereto as Exh. B.)

2. In the Report, Magistrate Maas recommends that a judgment be entered against defendant University Press of the South, Inc. ("UNPS") in the amount of \$131,933.07 plus costs

in the amount of \$350, plus prejudgment interest. Plaintiff has no objection to the foregoing recommendation in the Report. This objection is limited solely to seeking a judgment against the individual defendant, Alain Saint-Saens (“Saint-Saens”) on Plaintiff’s fraud claim, in addition to a judgment against defendant UNPS.

3. The Report found Plaintiff has established his fraud claim, but did not recommend any damages award to Plaintiff from Saint-Saens on Plaintiff’s fraud claim. Plaintiff submits that he is entitled to damages against Saint-Saens on the fraud claim. The supporting reasons and authorities for such a damages award against Saint-Saens are set forth in the accompanying Memorandum of Law submitted along with this Declaration.

4. As fully set forth in Plaintiff’s application for a default judgment and damages in this action (Docket Entry Nos. 20 to 23), Plaintiff seeks damages and related relief against defendants Saint-Saens and UNPS arising from a book publishing agreement (the “Publishing Agreement”) between Plaintiff, as author, and Defendants, as publisher, with respect to Plaintiff’s book, Military High Life: Elegant Food, Histories and Recipes (the “Book”). As set forth in Amended Complaint, Defendants failed to meet their contractual and other obligations to promote, market and sell the Book, and have thereby caused Plaintiff damages, and defendants further made fraudulent representations to induce Plaintiff to execute the Agreement, and further caused Plaintiff damages.

5. The facts establishing that Plaintiff’s claims are meritorious, the circumstances of defendants’ default, and the basis for damages are fully set forth in the Affidavit of plaintiff Agostino von Hassell (Docket No. 20, Declaration of Alexander Hoyt (Docket No. 21), an expert who opined on damages, including lost profits on the Book, and the Declaration of Donald E. Watnick (Docket No. 22, along with the exhibits thereto. Plaintiff also submitted a Memorandum

of Law in support of his application for damages (Docket No. 23). All of the foregoing are respectively incorporated in this Objection.

6. Defendants did not oppose or otherwise respond to Plaintiff's application for a default judgment.

7. No prior application for the relief requested herein has been made.

WHEREFORE, on behalf of Plaintiff CHRISTIAN AUGUSTIN VON HASSELL a/k/a AGOSTINO VON HASSELL, I respectfully request that this Court enter a judgment against Defendant University Press of the South, Inc., in accordance with the Report, and a judgment against defendant Alain Saint-Saens in accordance with this objection in the same amount as the judgment against Defendant University Press of the South, Inc.

Executed On: September 12, 2007

/s/Donald E. Watnick  
Donald E. Watnick (DW 6019)